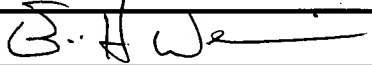
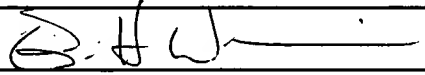


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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/781,755	RECEIVED NOV 14 2005 Technology Center 2600
	Filing Date	February 12, 2001	
	First Named Inventor	David W. Cox, Jr.	
	Art Unit	2876	
	Examiner Name	St. Cyr, Daniel	
Total Number of Pages in This Submission	2	Attorney Docket Number	40091-10018

ENCLOSURES (Check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Notification of Non-Compliant Appeal Brief Return Receipt Postcard	RECEIVED NOV 14 2005 TECHNOLOGY CENTER 2600 BOARD OF PATENT APPEALS AND INTERFERENCES NOV 9 3:22 PM
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Date	November 7, 2005	Reg. No.	33,048

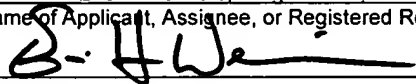
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Eric H Weimers, Reg. No. 33,048
Name of Applicant, Assignee, or Registered Rep.



November 7, 2005
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	David W. Cox Jr.
Serial No.	:	09/781,755
Filed	:	February 12, 2001
Title	:	VERIFICATION SYSTEM FOR THE PURCHASE OF A RETAIL ITEM AND METHOD OF USING SAME
Group Art Unit	:	2876
Examiner	:	Daniel St. Cyr
Docket No.	:	40091-10018

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**Response to Notification of Non-Compliant Appeal Brief
Providing a Summary of the Claimed Subject Matter**

In response to the Notification of Non-Compliant Appeal Brief mailed on October 25, 2005, Appellant submits the following concise explanation of the invention defined in the independent claims on appeal in accordance with 37 CFR 41.37(c)(1)(v) and MPEP 1205.03:

Claim 1

The invention of independent claim 1 is directed to a system for verifying the purchase of a retail item by a customer. The system comprises a label 12

which is attached to or otherwise associated with the retail item 10 (see Fig. 1; specification p. 4, lines 11-21). A point-of-sale station has a point-of-sale encoding device (e.g., 20 in Fig. 2) which provides a machine-readable post-purchase indicia (e.g., the "S" shown as 22 in Fig. 2a) to the label 12. (See, e.g., p. 4, line 22 to p. 7, line 16.) A return station has a detecting device (e.g., 30 in Fig. 3) for analyzing the label 12 to determine whether a post-sale indicia 22 is present. (See, e.g., p. 7, line 17 to p. 8, line 21.)

Claim 14

The invention of independent claim 14 is directed to a method for verifying the purchase of a retail item by a customer. The method includes the steps of providing a label 12 associated with the retail item 10 (see Fig. 1; specification p. 4, lines 11-21); encoding a machine-readable post-purchase indicia (e.g., the "S" in Fig. 2a) on the label 12 with an encoding device (e.g., 20 in Fig. 2) when the item is purchased by a customer (see, e.g., p. 4, line 22 to p. 7, line 16.); and upon return of the item, analyzing the label 12 with a detecting device (e.g., 30 in Fig. 3) to determine whether an indicia 22 is present (see, e.g., p. 7, line 17 to p. 8, line 21).

Applicant also states that (i) the real party in interest is the applicant, David W. Cox, Jr., and (ii) there are no related appeals or interferences.

Respectfully submitted,



Eric H. Weimers
Registration No. 33,048
Attorney for Applicant

Date: November 7, 2005
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